
ORANGE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN COUNCIL CHAMBER, CIVIC CENTRE, BYNG STREET, ORANGE

ON 4 JULY 2023

COMMENCING AT 6.30PM

1 INTRODUCTION

ATTENDANCE

Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power (Deputy Mayor), Cr J Whitton

Acting Chief Executive Officer (Maunder), Director Development Services, Director Technical Services, Manager Corporate Governance, Governance & Corporate Performance Lead, Governance Officer

In the absence of Mayor Hamling, Deputy Mayor Power chaired the meeting

1.1 APOLOGIES

RESOLVED - 23/244

Cr J Whitton/Cr M McDonell

That the apologies be accepted from Cr Hamling for the Council Meeting of Orange City Council on 4 July 2023.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr J Hamling

1.2 LIVESTREAMING AND RECORDING

The Deputy Mayor advised that the meeting was being livestreamed and recorded.

1.3 ACKNOWLEDGEMENT OF COUNTRY

The Deputy Mayor conducted an Acknowledgement of Country.

1.4 DECLARATION OF PECUNIARY INTERESTS, SIGNIFICANT NON-PECUNIARY INTERESTS AND LESS THAN SIGNIFICANT NON-PECUNIARY INTERESTS

Cr Kinghorne declared Significant Pecuniary Interests in PDC Items 2.2 – Clarification Planning Proposal 274 Leeds Parade, 2.3 – Development Application DA118/2022(1) 14-16 Lucknow Street Spring Hill & 2.4 – Development Application DA110/2023(1) 16 Cameron Place as her husband's business has conducted work on these sites.

Cr Evans declared a Non-Significant Non-Pecuniary Interest in Item 5.2 – Waiving of Fees – Public Amenity as he is a member Waratah's Sports Club and a Significant Pecuniary Interest in item 6.2 as the subject of the report is a customer of his business.

Cr McDonell declared a Non-Significant Non-Pecuniary Interest in FPC item 2.1(6) – Small Donations and Grants Program Allegri Singers as she is a member of the Orange Symphony Orchestra.

Cr Mileto declared a Non-Significant, Non-Pecuniary Interest in item 5.2 - Waiving of Fees – Public Amenity as his recent state election campaign included a contribution to this facility under the Stronger Country Communities Fund.

Cr Peterson declared a Significant Non-Pecuniary Interest in PDC item 2.4 – Development Application DA110/2023(1) 16 Cameron Place as he was previously a Senior Doctor at OAMS.

Cr Whitton declared a Significant Pecuniary Interest in item 5.1 – 2023 Rural Women's Gathering Nominations for Councillor Attendance and he is the Chair of OCTEC who is sponsoring the event.

Good News

- Kinross Wolaroi School thanks Council for allowing their Year 11 Legal Studies students to attend and view a recent Council Meeting.
- Rex Airlines received an award for Best Regional Airline, Australia and Pacific at the recent 2023 World Airline Awards.
- Mount Canobolas – Gaanha Bula dual naming has received approval from the Geographical Naming Board.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE OPEN FORUM AT 6.37PM**FPC item 2.2 – Event Sponsorship**

- Shahreen Alford

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 6.43PM**2 MAYORAL MINUTES**

Nil

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RESOLVED - 23/245**Cr J Whitton/Cr D Mallard**

That the Minutes of the Ordinary Meeting of Orange City Council held on 20 June 2023 (copies of which were circulated to all members) be and are hereby confirmed as a true and accurate record of the proceedings of the Council meeting held on 20 June 2023.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Cr J Hamling

MATTER ARISING**Cr F Kinghorne**

Cr Kinghorne asked for a further breakdown of the \$785,000 Councillor expenses.

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL ADJOURNED FOR THE CONDUCT OF THE POLICY COMMITTEE MEETINGS AT 6.43PM

THE MAYOR DECLARED THE ORDINARY MEETING OF COUNCIL RESUMED AT 7.37PM

4 NOTICES OF MOTION/NOTICES OF RESCISSION

RESOLVED - 23/271**Cr T Mileto/Cr K Duffy**

That item 4.1 – Notice of Motion – Lords Place South Pot Plants – Primary Schools Design Challenge be heard and voted on in seriatim.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Cr J Hamling

4.1 NOTICE OF MOTION - LORDS PLACE SOUTH POT PLANTS - PRIMARY SCHOOLS DESIGN CHALLENGE

TRIM REFERENCE: 2023/992

MOTION

Cr M McDonell/Cr J Evans

- 1 That Council undertake a design challenge inviting all local Primary schools to create a design for the large plant pots along Lords Place South.

AMENDMENT

Cr J Whitton/Cr T Greenhalgh

- 1 That Council defers consideration of a design challenge inviting all local Primary schools to create a design for the large plant pots along Lords Place South until costing and a more details program is provided to Councillors for consideration.

For: Cr K Duffy, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr T Mileto, Cr S Peterson, Cr J Whitton

Against: Cr J Evans, Cr G Floyd, Cr M McDonell, Cr G Power

Absent: Cr J Hamling

THE AMENDMENT ON BEING PUT WAS CARRIED AND BECAME THE MOTION

THE MOTION ON BEING PUT WAS CARRIED

RESOLVED - 23/272

Cr J Whitton/Cr T Greenhalgh

- 1 That Council defers consideration of a design challenge inviting all local Primary schools to create a design for the large plant pots along Lords Place South until costing and a more details program is provided to Councillors for consideration.

For: Cr K Duffy, Cr J Evans, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Cr G Floyd, Cr M McDonell

Absent: Cr J Hamling

RESOLVED - 23/273

Cr K Duffy/Cr S Peterson

- 2 That Council defers consideration of the remaining unallocated pots be offered to local Indigenous artists and emerging artists to have their artwork showcased until costing and a more detailed program is provided to Councillors for consideration.

For: Cr K Duffy, Cr J Evans, Cr T Greenhalgh, Cr F Kinghorne, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Cr G Floyd, Cr M McDonell, Cr D Mallard

Absent: Cr J Hamling

4.2 NOTICE OF MOTION - 2023 NSW LOCAL ROADS CONGRESS COUNCILLOR REPORT

TRIM REFERENCE: 2023/1058

RESOLVED - 23/274**Cr T Greenhalgh/Cr T Mileto**

That the report by Cr Tammy Greenhalgh on the 2023 NSW Local Roads Congress be noted.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Cr J Hamling

Cr Whitton left the meeting with the time being 8.04pm**5 GENERAL REPORTS****5.1 2023 RURAL WOMEN'S GATHERING - NOMINATION(S) FOR COUNCILLOR ATTENDANCE**

TRIM REFERENCE: 2023/999

Cr Whitton declared a Significant Pecuniary Interest in this item as he is the chairperson of OCTEC who is sponsoring the event left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 23/275**Cr T Greenhalgh/Cr G Power**

That Council resolves Cr Greenhalgh to attend the NSW Rural Women's Gathering will be held in Orange 25 – 27 August 2023.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power , Cr J Whitton

Against: Nil

Absent: Cr J Hamling

Cr Whitton returned to the meeting with the time being 8.08pm**Cr Evans left the meeting with the time being 8.09pm**

5.2 WAIVING OF FEES - PUBLIC AMENITY

TRIM REFERENCE: 2023/1028

Cr Evans declared a Non-Significant Non-Pecuniary Interest in this item as he is a member of Waratah's Sports Club, left the meeting and did not participate in discussion or voting on this item.

Cr Mileto declared a Non-Significant, Non-Pecuniary Interest in this item as his recent state election campaign included a contribution to this facility under the Stronger Country Communities Fund, remained in the meeting and participated in discussion and voting on this item.

RESOLVED - 23/276**Cr K Duffy/Cr G Floyd**

That Council waive the section 7.11 and section 64 Fees payable by Orange Waratah Sports Club Limited for DA 292/2022(1) for the construction of public amenities in the amount of \$27,980.80 ex GST.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr J Hamling

Cr Evans returned to the meeting with the time being 8.11pm

6 CLOSED MEETING

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

In response to a question from the Mayor, the Chief Executive Officer advised that no written submissions had been received relating to any item listed for consideration by the Closed Meeting of Council.

The Mayor extended an invitation to any member of the public present at the meeting to make a presentation to the Council as to whether the meeting should be closed for a particular item.

RESOLVED - 23/277**Cr K Duffy/Cr J Whitton**

That Council adjourn into a Closed Meeting and members of the press and public be excluded from the Closed Meeting, and access to the correspondence and reports relating to the items considered during the course of the Closed Meeting be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

6.1 Tenders for Concrete Civil Works

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.2 Tenders for Supply of Ready Mix Concrete

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

6.3 Submission Redactions 4 July 2023

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (e) information that would, if disclosed, prejudice the maintenance of law.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr J Hamling

The Mayor declared the Ordinary Meeting of Council adjourned for the conduct of the Closed Meeting at 8.14pm.

The Mayor declared the Ordinary Meeting of Council resumed at 8.22pm.

7 RESOLUTIONS FROM CLOSED MEETING

The Chief Executive Officer read out the following resolutions made in the Closed Meeting of Council.

6.1 TENDERS FOR CONCRETE CIVIL WORKS

TRIM REFERENCE: 2023/872

RESOLVED - 23/278**Cr K Duffy/Cr M McDonell**

That Council resolves to:

- 1 Approve the establishment of a new Concrete Civil Works Panel under the Council's Purchasing Policy.
- 2 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with Ace Concreting Central West, FB Concreting Pty Ltd, G R Spurr Concreting Pty Ltd, M & H Foley, Matt Foley Concreting, Royall Building Construction and Contracting, Spencers Landscape Construction and Contracting Pty Ltd and Will Concrete as part of the Panel.
- 3 Grant permission to the Chief Executive Officer or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr J Hamling

Cr Evans left the meeting with the time being 8.18pm

6.2 TENDERS FOR SUPPLY OF READY MIX CONCRETE

TRIM REFERENCE: 2023/1004

Cr Evans declared a Significant Pecuniary Interest in this item as the subject of the report is a customer of his business, left the meeting and did not participate in discussion or voting on this item.

RESOLVED - 23/279**Cr M McDonell/Cr F Kinghorne**

That Council resolves to:

- 1 Not accept any of the tender submissions for the supply of ready mix concrete as the number of tenders received would not result in the best value to Council for concrete supply.
- 2 Enter into negotiations with the four Orange-based ready mix concrete suppliers, being Boral Resources (NSW) Pty Ltd, Hanson Construction Materials Pty Ltd, Holcim (Australia) Pty Ltd and Zamoraft Pty Ltd t/as Midwestern Mini Mix, as inviting fresh tenders would not achieve a better outcome with these being the only four concrete suppliers in Orange and including all local suppliers will result in the best value mix of price and availability of concrete supply from the proposed panel.
- 3 Approve the establishment of a new Ready Mix Concrete Supply Panel under the Council's Purchasing Policy.
- 4 Approve the Chief Executive Officer, or his nominee, to enter into a standard contract with some or all of these suppliers for supply of ready mix concrete as part of the Panel.
- 5 Grant permission to the Chief Executive Officer or nominee to do such things as may be necessary or convenient to give effect to this decision, including affixing the Council Seal to all relevant documents if required.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr J Hamling

Cr Evans returned to the meeting with the time being 8.20pm

6.3 SUBMISSION REDACTIONS 4 JULY 2023

TRIM REFERENCE: 2023/1030

RESOLVED - 23/280**Cr M McDonell/Cr G Floyd**

That the information in this report be acknowledged.

For: Cr K Duffy, Cr J Evans, Cr G Floyd, Cr T Greenhalgh, Cr F Kinghorne, Cr D Mallard, Cr M McDonell, Cr T Mileto, Cr S Peterson, Cr G Power, Cr J Whitton

Against: Nil

Absent: Cr J Hamling

THE MEETING CLOSED AT 8.25PM

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